

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TIMOTHY CLARK)	
)	
Plaintiff)	
)	
vs.)	Case No.
)	
CHICAGO POLICE DETECTIVES)	
PATRICK FORD, # 201209,)	JURY TRIAL DEMANDED
WILLIAM MEISTER, # 20423)	
DONALD HILL, # 21426)	
JOHN OTTO, # 20882)	
CHICAGO POLICE OFFICERS)	
B HAWKINS, # 2056)	
EMMET MCCLENDON, # 18677)	
CITY OF CHICAGO)	
)	
Defendants.)	

COMPLAINT

NOW COMES the Plaintiff, TIMOTHY CLARK (“Plaintiff”) by and through his attorney Stephen L. Richards and makes the following complaint against Chicago police detectives PATRICK FORD, # 201209, WILLIAM MEISTER, # 20423, DONALD HILL, # 21426, and JOHN OTTO, # 20882 , and Chicago police officers B HAWKINS, #2056, and EMMET MCCLENDON, # 18677. Defendants and states as follows:

JURISDICTION AND VENUE

1. This action is brought pursuant to 42 U.S.C. § 1983 to redress the deprivation under color of law of Plaintiff’s Civil Rights as secured by the United States Constitution.
2. This Court has jurisdiction of the action pursuant to 28 U.S.C. §§ 1331, 1343, 1367.
3. Venue is proper under 28 U.S.C. § 1391(b).

PARTIES

4. Plaintiff Timothy Clark is a United States citizen and a resident of Chicago, Illinois.
5. Defendant Patrick Ford is now and was at all times relevant to this suit a detective in the Chicago Police Department. His star number is 201209 . He is sued in his individual capacity.
6. Defendant William Meister is now and was at all times relevant to this suit a detective in the Chicago Police Department. His star number is 20423. He is sued in his individual capacity.
7. Defendant Donald Hill is now and was at all times relevant to this suit a detective in the Chicago Police Department. His star number is 21426. He is sued in his individual capacity.
8. Defendant John Otto is now and was at all times relevant to this suit a detective in the Chicago Police Department. His star number is 20882. He is sued in his individual capacity.
9. Defendant B Hawkins is now and was at all times relevant to this suit a police officer in the Chicago Police Department. His star number is 2052. He is sued in his individual capacity.
10. Defendant Emmet McClendon is now and was at all times relevant to this suit a police officer in the Chicago Police Department. His star number is 18677. He is sued in his individual capacity.
- 11.

PROCEDURAL HISTORY

12. On August 28, 2012, Timothy Clark was arrested for the first degree murder of Brian Nailer, which took place on August 28, 2012.
13. On September 22, 2016, Timothy Clark was acquitted of first degree murder after a bench trial.

FACTUAL ALLEGATIONS

14. On August 28., 2012, Timothy Clark was arrested by defendants B Hawkins and Emmet McClendon.
15. At the time Timothy Clark was taken into custody, there was no probable cause for his arrest or reasonable suspicion for an investigatory stop.
16. After his arrest, Timothy Clark was transported to Area South and interrogated by defendants Patrick Ford, # 201209, William Meister, # 20423, Donald Hill, # 21426, and John Otto, # 20882.
17. Timothy Clark initially denied any involvement in or knowledge of the murder of Brian Nailer.
18. However, as part of a plan concerted and organized by defendants Ford, Meister, Hill, and Otto, Clark was questioned using coercive tactics, including a threat that he would be jailed and charged if he did not speak to the officers, and a promise that he would not be jailed or charged if he did speak with the officers.

19. These statements included the statements: (1) “Wanna lose your freedom?” (2) “There’s two kinds of people in this building right now, people that are gonna go to jail and people that aren’t gonna go to jail. And you’re gonna have to decide for yourself, where you want to land, all right?,” (3) “We’re going give you another opportunity in a few minutes before we come back in here, all right? After that man, fuck it, I’m just going to get you charged,” (4) that the officers were requesting that the States Attorneys charge Clark with murder because “how could we do anything other than that when you won’t tell us your side of the story?”, (5) that the officers were going to get Clark charged because he was lying about who was in the car with him, (6) that Clark had “never done time,” and that if he was incarcerated, he would be in a room the size of the interrogation room and the officer would probably be dead before Clark go out and Clark would be “damn near death,” (7) that the detective’s intention was to “hook up the dude who actually did the shooting, and that Clark had an “opportunity to insulate” himself by telling the detectives “what fucking happened.”
20. For a period of time, the detectives pretended that Clark was going to be taken downstairs to be “printed and processed for murder,” and that Clark could avoid this by speaking to the officers and telling them that there was a third person in the car with him.
21. When Clark mentioned a bond, one of the detectives said to Clark: “You’ll be in prison ‘til you’re an old man saying, I didn’t know what was going on. I didn’t know what was going on. You should of talked about what you did do.”
22. The detective also said to Clark: “Denial does not get you charged. The fact will not. Facts are what’s gonna save you. And all the facts are fuckin’ piling up against you. Fact, physical evidence, witnesses, you know.”

23. Following these threats and promises by the detectives, Clark gave partially inculpatory statements which were admitted against him at trial.

24. The statements constituted the major piece of evidence against Clark at trial.

25. Clark was acquitted at a bench trial.

COUNT ONE

(42 U.S.C. Sec. 1983 FALSE ARREST AGAINST DEFENDANT B HAWKINS)

26. Timothy Clark re-alleges all prior paragraphs as if fully repleaded herein.

27. On August 28., 2012, B Hawkins arrested Timothy Clark without a warrant, without probable cause, and without reasonable suspicion. This seizure and arrest was in violation of Timothy Clark's rights secured under the Fourth and Fourteenth Amendments of the Constitution of the United States.

28. Defendant B Hawkins unlawfully and maliciously arrested Timothy Clark and wrongfully detained him without any legal right to do so, in his official capacity as a law enforcement officer, under color of state law, and acting within the scope of his employment.

29. The acts committed by defendant B Hawkins were done wantonly, intentionally, and with reasonable certainty that the acts were in violation of the Timothy Clark's constitutional rights and would cause harm to Timothy Clark.

30. WHEREFORE, Timothy Clark prays for judgment against B Hawkins in a fair and just amount sufficient to compensate him for the injuries he suffered, plus, Timothy Clark seeks a substantial sum in punitive damages against the Defendants, costs and reasonable attorney fees, and all such other relief as this Court finds just and equitable.

COUNT TWO

(42 U.S.C. Sec. 1983 FALSE ARREST AGAINST DEFENDANT EMMET
MCCLENDON)

31. Timothy Clark re-alleges all prior paragraphs as if fully repleaded herein.
32. On August 28, 2012, Emmet McClendon arrested Timothy Clark without a warrant, without probable cause, and without reasonable suspicion. This seizure and arrest was in violation of Timothy Clark's rights secured under the Fourth and Fourteenth Amendments of the Constitution of the United States.
33. Defendant Emmet McClendon unlawfully and maliciously arrested Timothy Clark and wrongfully detained him without any legal right to do so, in his official capacity as a law enforcement officer, under color of state law, and acting within the scope of his employment.
34. The acts committed by defendant Emmet McClendon were done wantonly, intentionally, and with reasonable certainty that the acts were in violation of the Timothy Clark's constitutional rights and would cause harm to Timothy Clark.
35. WHEREFORE, Timothy Clark prays for judgment against Emmet McClendon in a fair and just amount sufficient to compensate him for the injuries he suffered, plus, Timothy Clark seeks a substantial sum in punitive damages against the Defendants, costs and reasonable attorney fees, and all such other relief as this Court finds just and equitable.

COUNT THREE

(42 U.S.C. Sec. 1983 FIFTH AMENDMENT VIOLATION AGAINST
DEFENDANT PATRICK FORD)

36. Plaintiff re-alleges all prior paragraphs as if fully repleaded herein.

37. Individually, and in concert with all other defendants, defendant Patrick Ford deprived Timothy Clark of his fifth amendment right to be free from forced self-incrimination by threatening him with incarceration and criminal charges if he did not make certain statements and by promising him release and exoneration if he did make certain statements.
38. The acts committed by defendant Patrick Ford were done wantonly, intentionally, and with reasonable certainty that the acts were in violation of Timothy Clark's constitutional rights and would cause harm to Timothy Clark.
39. WHEREFORE, Timothy Clark prays for judgment against Patrick Ford in a fair and just amount sufficient to compensate him for the injuries he suffered, plus, Timothy Clark seeks a substantial sum in punitive damages against the Defendants, costs and reasonable attorney fees, and all such other relief as this Court finds just and equitable.

COUNT FOUR

(42 U.S.C. Sec. 1983 FIFTH AMENDMENT VIOLATION AGAINST DEFENDANT WILLIAM MEISTER)

40. Plaintiff re-alleges all prior paragraphs as if fully repleaded herein.
41. Plaintiff re-alleges all prior paragraphs as if fully repleaded herein.
42. Individually, and in concert with all other defendants, defendant William Meister deprived Timothy Clark of his fifth amendment right to be free from forced self-incrimination by threatening him with incarceration and criminal charges if he did not make certain statements and by promising him release and exoneration if he did make certain statements.

43. The acts committed by defendant William Meister were done wantonly, intentionally, and with reasonable certainty that the acts were in violation of Timothy Clark's constitutional rights and would cause harm to Timothy Clark.

44. WHEREFORE, Timothy Clark prays for judgment against William Meister in a fair and just amount sufficient to compensate him for the injuries he suffered, plus, Timothy Clark seeks a substantial sum in punitive damages against the Defendants, costs and reasonable attorney fees, and all such other relief as this Court finds just and equitable.

COUNT FIVE

(42 U.S.C. Sec. 1983 FIFTH AMENDMENT VIOLATION AGAINST DEFENDANT DONALD HILL)

45. Plaintiff re-alleges all prior paragraphs as if fully repleaded herein.

46. Plaintiff re-alleges all prior paragraphs as if fully repleaded herein.

47. Individually, and in concert with all other defendants, defendant Donald Hill deprived Timothy Clark of his fifth amendment right to be free from forced self-incrimination by threatening him with incarceration and criminal charges if he did not make certain statements and by promising him release and exoneration if he did make certain statements.

48. The acts committed by defendant Donald Hill were done wantonly, intentionally, and with reasonable certainty that the acts were in violation of Timothy Clark's constitutional rights and would cause harm to Timothy Clark.

49. WHEREFORE, Timothy Clark prays for judgment against Donald Hill in a fair and just

amount sufficient to compensate him for the injuries he suffered, plus, Timothy Clark seeks a substantial sum in punitive damages against the Defendants, costs and reasonable attorney fees, and all such other relief as this Court finds just and equitable.

COUNT SIX

(42 U.S.C. Sec. 1983 FIFTH AMENDMENT VIOLATION AGAINST DEFENDANT JOHN OTTO)

50. Plaintiff re-alleges all prior paragraphs as if fully repleaded herein.

51. Plaintiff re-alleges all prior paragraphs as if fully repleaded herein.

52. Individually, and in concert with all other defendants, defendant John Otto deprived Timothy Clark of his fifth amendment right to be free from forced self-incrimination by threatening him with incarceration and criminal charges if he did not make certain statements and by promising him release and exoneration if he did make certain statements.

53. The acts committed by defendant John Otto were done wantonly, intentionally, and with reasonable certainty that the acts were in violation of Timothy Clark's constitutional rights and would cause harm to Timothy Clark.

54. WHEREFORE, Timothy Clark prays for judgment against John Otto in a fair and just amount sufficient to compensate him for the injuries he suffered, plus, Timothy Clark seeks a substantial sum in punitive damages against the Defendants, costs and reasonable attorney fees, and all such other relief as this Court finds just and equitable.

DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38 (b), the Plaintiff TIMOTHY CLARK demands trial by jury for all the issues pleaded.

TIMOTHY CLARK

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/s/ Stephen L. Richards
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